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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 23rd September, 1977/Asvina 1, 1899 (Saka)

THE REQUISITIONING AND ACQUISITION OF IMMOV- ABLE PROPERTY (AMENDMENT) ORDINANCE, 1977 No 12 OF 1977

Promulgated by the Vice-President discharging the functions of the President in the Twenty-eighth Year of the Republic of India.

An Ordinance further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

WHEREAS Parliament is not in session and the Vice-President discharging the functions of the President is satisfied that circumstances exist which render it necessary for him to take immediate action,

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the Vice-President discharging the functions of the President is pleased to promulgate the following Ordinance:—

1. This Ordinance may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1977.

Short
title

2 In the Requisitioning and Acquisition of Immovable Property Act, 1952, after section 25, the following section shall be inserted and shall be deemed to have been inserted with effect on and from the 21st day of March, 1977, namely —

Inser-
tion of
new sec-
tion 26.

'26 (1) Notwithstanding anything contained in this Act, any immovable property requisitioned or purported to have been requisitioned by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government, under the Defence of India Act, 1971, and the rules made thereunder (including any immovable property deemed to have been

Special
provision
as to cer-
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under
Act 42
of 1971.

requisitioned under the said Act), which has not been released from such requisition before the appointed day, shall,—

(i) if such property was requisitioned on or before the 21st day of March, 1977, as from that date, and

(ii) if such property was requisitioned at any time after such date, as from the date of its requisition,

be deemed to have been requisitioned by the competent authority under the provisions of this Act for the purpose for which such property was held immediately before the appointed day and all the provisions of this Act shall apply accordingly.

Provided that in determining the compensation payable under this Act in respect of any property so deemed to have been requisitioned under this Act, the sum or sums, if any as may be found necessary to compensate the person interested for all or any of the matters specified in clause (b) of sub-section (2) of section 8 shall be reduced by the sum or sums, if any, paid or payable in respect of such matter or matters as compensation in respect of such property under the Defence of India Act, 1971, and the rules made thereunder.

(2) Save as otherwise provided in sub-section (1), the provisions of the Defence of India Act, 1971, and the rules made thereunder, in so far as those provisions relate to the requisitioning of any such immovable property as is referred to in sub-section (1), shall, as from the 21st March, 1977, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation as if such cesser were a repeal of an enactment by a Central Act. 10 of 1897.

Explanation.—In this section, “appointed day” means the date of promulgation of the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1977’.

B. D. JATTI,

Vice-President,

discharging the functions of the President.

K. K. SUNDARAM,

Secy. to the Govt. of India.